

Forfeit of right to use street.

Removal of pipes and wires.

Change of grade.

Assessment of damages.

Encroachments on streets and public property.

Statute of limitations not operative.

Condemnation of land for water system.

and for failure for twenty days after notice of said requirement to comply with same, said person, firm or corporation, so in default, shall thereby forever thereafter forfeit the right to use said streets for the purposes aforesaid, and the board of commissioners of said city may at its discretion remove said gas mains, pipes and wires from said street.

350. *Change of street grade; assessment of damages.* Whenever the mayor and board of commissioners of the city of Asheville shall decide or determine to grade, pave and improve any of the streets of the city of Asheville, and in order to so grade, pave and improve, it shall be necessary to raise or lower the grade of any street or streets of said city, it shall be lawful after the city engineer shall have made profile or map of the proposed grade or improvement on the street or streets, showing where the grade of said street or streets shall be lowered or raised, and the said mayor and board of commissioners are hereby required and directed, at the request of any abutting landowner and before the completion of such improvements on said street, to summon or cause to be summoned a jury to assess the damages and benefits of the abutting property, where such raising or lowering of the grade shall have to be made in the same manner and under the same rules, regulations and provisions as are now required by this charter for the assessment of damages to property where streets are widened.

351. *Exclusive rights prohibited.* No person or corporation shall ever acquire any exclusive right to any part of any public road, street, lane, alley, square or public way of any kind by reason of any occupancy thereof or by encroaching upon or obstructing the same in any way, and in all actions, whether civil or criminal, against any person or corporation on account of any encroachment upon or obstruction of or occupancy of any public way it shall not be competent for any court to hold that such action is barred by any statute of limitations.

352. *Condemnation for water system.* Whenever any land, real estate, water, watercourse or right of way, whether or not within the limits of said city, shall, in the opinion of said board of commissioners, be required for the purpose of erecting, making or establishing reservoirs, dams or ponds, tanks or other receptacles for water, or for laying conduit, main or supply pipes, or for obtaining a supply of water or the erection or connection of houses, stations or machinery to be used in so doing, for the use of said city or its inhabitants, or for any other purpose connected with the successful operation of waterworks in and for said city, including the protection of the watersheds of the streams which constitute the sources of water supply for said city in order that said sources of water supply may be kept pure and healthful and the owner or owners of such property and the said board of com-